

BY-LAWS

BY-LAWS OF THE IDAHO STATE COUNCIL FOR THE DEAF AND HARD OF HEARING

ARTICLE I

General Provisions

Section 1. LEGAL AUTHORITY. Statutory authority for creation, organization, and operation of a Council for the deaf and hard of hearing for these by-laws is granted pursuant to Chapter 73, Title 67, Idaho Code as amended. (5/15/92)

Section 2. TITLE AND SCOPE. These by-laws govern the proceedings, activities and organization of the council and shall be referred to generally as the by-laws for the Idaho State council for the Deaf and Hard of Hearing. (5/15/92)

Section 3. DEFINITIONS. As used in these by-laws:

- (1) "Advocacy" means to act in the interests of the deaf and hard of hearing population.
- (2) "Council" means the Idaho State Council for the Deaf and Hard of Hearing.
- (3) "Council member" means one of the nine voting members appointed by the governor
- (4) "Deaf" means those in whom the sense of hearing is not functional for the ordinary purposes of life. "Deaf" includes several kinds of deafness: prelingually deaf, post lingually deaf and deafened, "deaf after schooling is completed.
- (5) "Ex officio member" means the non-voting ex-officio members.
- (6) "Hard of Hearing" means those persons whose hearing is impaired to an extent that makes hearing difficult but does not preclude the understanding of spoken communication through the ear alone, with or without aid.
- (7) "Hearing impaired" means those persons who are deaf or hard of hearing. (9/25/92)

Section 4. DECLARATION OF PURPOSE. Idaho's population of deaf or hard of hearing citizens makes up at least 10 percent of the state's population with a large percentage of this constituency being elderly. The needs of the deaf

and hard of hearing have long been overlooked and underserved. Available services are fragmented and incomplete. There is no state level program that assures accommodation and access to services for the deaf and hard of hearing. (9/25/92)

Section 5. MISSION STATEMENT. The mission of the Council is to create an environment in which hearing impaired Idahoans of all ages have an equal opportunity to participate fully as active, responsible, productive and independent citizens of the State. (5/15/92)

Section 6. RESPONSIBILITIES AND DUTIES. The responsibilities and duties of the Council shall be to:

- (1) Work to increase access to employment, educational and social-interaction opportunities for persons who are deaf and hard of hearing.
- (2) Increase awareness of the needs of persons who are deaf and hard of hearing through educational and informational programs.
- (3) Encourage consultation and cooperation among departments, agencies, and institutions serving persons who are deaf of hard of hearing.
- (4) Provide a network through which all state and federal programs dealing with persons who are deaf and hard of hearing can be channeled.
- (5) Determine the extent and availability of services to persons who are deaf and hard of hearing, determine the need for further services and make appropriate recommendations to government officials to insure that the needs of deaf and hard of hearing citizens are best served.
- (6) To coordinate, advocate for, and recommend the development of public policies and programs that provide full and equal opportunity and accessibility for persons in Idaho who are deaf or hard of hearing.
- (7) To monitor consumer protection issues that involve persons who are deaf and hard of hearing of the State of Idaho.
- (8) Submit periodic reports to the Governor, the Legislature and Departments of State government on how current federal and state programs, rules, regulations, and legislation affect services to persons with hearing impairments. (9/25/92)

Section 7. OPERATING YEAR. The Council shall operate on a fiscal year which shall begin July 1 and end on June 30. (5/15/92)

ARTICLE II

Membership and Composition

Section 1. COMPOSITION. The Council shall consist of Council members and ex-officio members. The nine Council Members shall be as follows:

Representatives of persons who are deaf

A deaf person representing an association of the deaf.

A deaf person.

The parent of a deaf child.

Representatives of persons who are hard of hearing

A hard of hearing member of a national hard of hearing consumer organization.

A hard of hearing person over the age of sixty years.

The parent of a hard of hearing child.

Representatives of professionals

An interpreter for the deaf representing the Idaho Registry of Interpreters for the Deaf.

A licensed physician.

An ASHA certified audiologist.

The Ex-officio non-voting members of the Council will include at least a representative from each of the following:

Idaho School for the Deaf and the Blind

State Department of Education

Division of Vocational Rehabilitation

Office on Aging

Department of Health and Welfare

Bureau of Occupational Licenses

Department of Employment

Public Utilities Commission

Consumer Protection Division, Office of the Attorney General

Idaho Hearing Aid Society

Executive Director of the Council for the Deaf and Hard of Hearing

(2/9/93)

Section 2. APPOINTMENT AND TERMS OF OFFICE. Council members shall be appointed by the Governor for terms of three years. For the purposes of the initial appointments, the deaf person representing an association of the deaf, the hard of hearing person representing a hard of hearing consumer organization and the licensed physician shall be appointed for three year terms; the deaf person, the hard of hearing person over age sixty and the audiologist shall be appointed for two year terms; and the parent of a deaf child, the parent of a hard of hearing child, and the interpreter shall be appointed for a one year term.

Ex-officio members shall be appointed by the appropriate agency for indefinite terms. (9/25/92)

Section 3. VACANCIES. Council member vacancies shall be filled by appointment of the Governor for the unexpired portion of the vacated term. Ex-officio member vacancies shall be filled by a new appointment from the appropriate agency. As the term of an incumbent board member approaches expiration, the Executive Director shall advertise the position to the public for at least 30 days. If he or she wishes, the incumbent board member may reapply for the same position for additional terms. After 30 days, the Executive Director shall submit the candidates' names to the Executive Committee for review. The Executive Committee shall review the names, create a short list of names to vote on, and send the short list, as well as the names of all the applicants, to the Board for a vote. If any board member wishes to recommend to the Governor any name that the Executive Committee did not include on the short list, he or she may raise the issue with the Board. After the Board votes on a name, the Executive Director will submit a letter of recommendation to the Governor in behalf of the Board. The same process above applies when a position becomes vacant during a term or at the end of a member's term who wishes to discontinue his or her service on the Board. (5/16/06)

Section 4. DISMISSAL. Members may be removed from the Council for the following reasons:

- (1) Unexcused absence from any two meetings within the year.
- (2) Failure to perform the duties of the office or committee
- (3) Malfeasance in office

Dismissal from the Council requires a majority vote of the members attending the Council meeting. (9/25/92)

Section 5. COMPENSATION. Council members shall be compensated as provided in Section 59-509 (b) Idaho Code, which includes reimbursement for travel expenses including transportation, lodging, and meals at the allowable state rates. (9/25/92)

Section 6. RESPONSIBILITIES OF COUNCIL MEMBERS. It is the responsibility of each appointed Council member to represent one's constituency and present the issues and concerns of the constituency in the formation of all council policy and programs. Each member shall also perform specific duties assigned by the Chairperson, Executive Committee, or a standing committee Chairperson. (9/25/92)

Section 7. RESPONSIBILITIES OF EX-OFFICIO MEMBERS. It is the responsibility of each ex-officio member to represent their agency or organization and its programs, to present information about those programs, serve as a liaison

between the Council and their organization, to provide information about Council activities to their agency or organization's director or leadership. (9/25/92)

ARTICLE III

Meetings

Section 1. FREQUENCY. The Council shall meet at least four times a year with at least one meeting occurring in each quarter of the year. (5/15/92)

Section 2. LOCATION. At least two meetings per year may be held outside Boise to accommodate members from the different geographical areas of the State. (9/25/92)

Section 3. QUORUM. A quorum of the Council shall consist of a simple majority of the Council members. The act of the majority of those members present shall be the act of the Council. A Council member may send a representative to Council meetings. Council members may vote by written proxy only in those situations where a specific action is under consideration and where the proxy contains detailed information about the position the member supports. No member may vote by proxy by giving general authority to a representative. No vote may be cast by verbal proxy.(9/25/92)

Section 4. PROCEDURES. All meetings will comply with the provisions of the open meeting provisions codified at Sections 67.2340--67.2347, Idaho Code, as amended, and conducted according to Robert's Rules of Order, subject to provisions of Idaho laws pertaining to public entities. (5/15/92)

Section 5. MINUTES. A written record shall be kept of all Council meetings and made available to the full Council as soon as possible after each meeting, and to the public upon request. (5/15/92)

Section 6. MEETING ARRANGEMENTS. The Executive Director will make arrangements for a place for the meeting, a secretary to take minutes and the provision of assistive devices and interpreters. (9-25-92)

ARTICLE IV

Conflict of Interest

Section 1. DEFINITION. A conflict of interest shall exist if any official action or any decision or recommendation by a Council member, acting in the capacity as a public official, has the effect of private pecuniary benefit of the Council. (5/15/92)

Section 2. PROCEDURES. If any Council member has a conflict of interest, he or she will not take any official action or make a formal

recommendation regarding the matter in which he or she has a conflict without disclosing such conflict. Disclosure of a conflict of interest does not affect a Council member's authority to be counted for purposes of determining a quorum and to debate and vote on the matter, unless the member requests to be excused from voting or debate at his or her discretion. A Council member may request a legal opinion from the Attorney representing the Council as to the existence of a conflict of interest. (5-15-92)

ARTICLE V Council Organization

Section 1. OFFICERS. The Council shall elect a Chairperson and a vice Chairperson from among the Council members. For the purposes of adequate representation of both persons who are deaf and who are hard of hearing two co-chairpersons may be elected to serve in the place of the Chairperson. When there are two co-chairpersons there will be no vice-Chairperson.(9/25/92)

Section 2. POWERS AND DUTIES. The officers shall have the following responsibilities and duties.

(1) Chairperson. The Chairperson shall serve as the presiding officer at all Council functions and activities unless otherwise delegated to another Council member. The Chairperson may serve as ex-officio on all standing committees and ad hoc committees. The Chairperson shall call and preside at all meetings of the Council and call and preside at all meetings of the Executive Committee.

(2) Vice Chairperson. The Vice-Chairperson shall, in the case of the absence of the Chairperson, take the Chairperson's place and perform the Chairperson's duties. The Vice-Chairperson shall also undertake any and all duties assigned or delegated by the Chairperson. In cases where the Council meets in closed session, the Vice Chairperson shall keep minutes of the votes of the Council.

Section 3. TERMS. The officers shall serve a one year term. There is no limit on the number of terms that a member may serve. (9/25/92)

Section 4. ELECTIONS. The election of officers shall take place at the first meeting of the fiscal year. (5/15/92)

Section 5. VACANCIES. If a vacancy occurs because of resignation or dismissal, a new officer will be selected to complete the unexpired term of the vacant position. (5/15/92)

ARTICLE VI Executive Director

Section 1. HIRING. The Council shall hire and fix compensation, subject to the provisions of Chapter 53, Title 67, Idaho Code, a full time administrator, who shall be designated as the Executive Director of the Council and who shall be exempt under the provisions of Chapter 53, Title 67, Idaho Code. (5/15/92)

Section 2. DUTIES. The Executive Director shall perform the following duties:

To direct, manage and coordinate functions and activities of the Idaho State Council for the Deaf and Hard of Hearing. ADMINISTRATION. Act as the Executive Director and legislative liaison for the Council in contacts with the Bureau of Adult Services of the Department of Health and Welfare, state agencies, executive and legislative branches of government, administering agencies, service providers, consumers and with professional and community organizations. Conduct ongoing needs assessment, data gathering, data analysis of CDHH service populations. Work with the Council to ensure compliance with national goals. Prepare, supervise and manage CDHH Council budget. Prepare position papers. Plan and coordinate public awareness programs and activities, including educational hearing related workshops around the state; and act as a systems advocate for the deaf and hard of hearing. OFFICE COORDINATION. Maintain Council records, files and provide logistical support. Hire train and supervise professional and clerical staff. (5/15/92)

Section 3. COMPENSATION. The Council shall set the compensation of the Executive Director based on the qualifications, skills and abilities of the Executive Director. The Executive Director shall also receive fringe benefits available to state employees.(9/25/92)

Section 4. SUPERVISION. The performance of the Executive Director shall be supervised by the Executive Committee of the Council. The Executive Committee shall perform an annual evaluation of the Executive Director's performance. (9/25/92)

Section 5. TERMINATION. The Executive Committee shall have the authority to recommend and the Council shall have the authority to terminate the Executive Director for cause providing at least two-thirds of the current Council Membership so vote. (9-25-92)

ARTICLE VII

Committees

Section 1. DEFINITION. The council shall and may have certain committees, each of which will be chaired by a Council member, and which will have and exercise some prescribed authority of the Council in the management of the Council activities. However, no committee will have the authority of the Council in reference to affecting any of the following:

- (1) By-laws
- (2) Issuance of policy statements for the Council unless directed by the Council or ratified by the Council.
- (3) Resolutions of the Council by which their terms provide against such action by the committee. (5/15/92)

Section 2. CREATION OF COMMITTEES. The council by resolution duly adopted by a majority of those present may designate and appoint one or more committees and delegate to such committee specific and prescribed authority of the council to exercise in the management of the Council. However, the creation of such committees will not operate to relieve the Council, or any individual member, of any responsibility imposed on such person otherwise by law. (5/15/92)

Section 3. DUTIES OF COMMITTEES. Each committee shall work on specific activities relative to their charge and make recommendations to the Council. Each committee shall provide the Chairperson with the following:

- (1) Advance notice of their meetings and plans.
- (2) Minutes of their meetings
- (3) Reports of their activities.
- (4) List of membership. (5/15/92)

Section 4. STANDING COMMITTEES. There shall be the following standing committees of the Council:

- (1) Executive
- (2) By-laws
- (3) Nominating. (5/15/92)

Section 5. AD HOC COMMITTEES. In addition, the Council by resolution, may designate and appoint certain ad hoc committees designed to transact certain business of the Council and advise the Council. Such ad hoc committee shall be chaired by a Council member, which as the Chairperson shall proceed to select the remaining persons of the committee set by the Council or terminate such memberships or appoint successors in such Chairperson's discretion. The Council may terminate any such ad hoc committee by resolution. (5/15/92)

Section 6. MEMBERSHIP. All members of standing committees shall be voting members of the Council. Membership on hoc committees may include ex-officio members and other interested parties who are not Council members or ex-officio members. Ad hoc committee members may vote on committee actions but only Council members may vote on Council actions. (9/25/92)

ARTICLE VIII

Executive Committee

Section 1. COMPOSITION. The executive committee shall consist of three persons and include the Chairperson and Vice-Chairperson. The executive committee will be made up of a representative of persons who are hard of hearing, a representative of persons who are deaf, and a representative of professionals.(2/9/93)

Section 2. FUNCTION. The executive committee shall have the following functions:

(1) Be responsible for approval, adoption, monitoring and or modification of an annual budget upon recommendation by the Executive Director.

(2) Act for the full Council between scheduled meetings in situations requiring immediate actions as determined by the Council Chairperson. All actions must be ratified by full Council at the next Council meeting.

(3) Be responsible to recommend all council policy to the full Council for adoption.

(4) At least annually, or upon vacancy of the position, review and establish a position description that sets out the qualifications and requirements necessary to perform as the Executive Director of the Council.

(5) Annually, or upon vacancy review and establish performance goals and objectives for the Executive Director.

(6) Determine the salary for the Executive Director with regard to his or her performance, duties and qualifications, and the available budget.

(7) Develop review, approve and present to the Executive Director an annual personnel evaluation for review and signature. (5/15/92)

Section 3. MEETINGS. The Executive Committee shall meet as needed, either as a group in person, or via telecommunication conference call, within budgetary considerations. Notice of time and place of meetings or conference calls shall be given by the Chairperson at least 10 days in advance unless, in the opinion of the Chairperson, the subject matter warrants immediate action. (9/25/92)

ARTICLE IX

By-laws Committee

Section 1. COMPOSITION. The by-laws committee will be appointed by the Chairperson and will have two members providing for representation for both the deaf and hard of hearing. (9/25/92)

Section 2. FUNCTION. The by-laws committee shall have the following functions:

(1) Review the draft by-laws submitted by the Executive Director.

(2) Make recommendations for changes and additions to the by-laws and assist the Executive Director in finalizing the draft to be submitted to the Executive Committee of the Council.

(3) Submit recommended by-laws amendments to the Executive Committee. (5/15/92)

ARTICLE X

Nominating Committee

Section 1. COMPOSITION. The nominating committee will be appointed by the Chairperson and will have two members providing for representation for both the deaf and hard of hearing. (5/15/92)

Section 2. FUNCTION. The nominating committee shall have the following functions:

(1) Consult with Council members regarding their willingness to assume officer positions.

(2) Solicit at least two nominations for each officer position.

(3) Submit a list of nominees for the two officer positions. (9/25/92)

ARTICLE XI

Amendments

Section 1. METHOD OF AMENDMENT. Amendments to these by-laws shall be reviewed by the Executive committee and presented to the full Council. By-law amendments shall be made available to the full Council for review within a reasonable period of time prior to a duly called meeting in which action regarding an amendment is planned. All amendments must be approved by at least two-thirds of the current Council membership. (5/15/92)

ARTICLE XII

Severability

Section 1. VALIDITY. These by-laws are severable, and if any by-law, or part thereof, or the application of such by-law to any member or circumstance is

declared invalid, that invalidity does not affect the validity of any remaining portion of these bylaws. (5/15/92)